

Remarks

Original claims 1-15 have been amended and new claims 16-26 have been added. Thus, claims 1-26 are presently pending.

The Examiner has objected to claims 4-14 as being improper multiple dependent claims. Applicant has amended the claims to amend this informality and the rejection should be withdrawn.

Claims 1-3 and 15 were rejected under 35 U.S.C. § 112, second paragraph. The Examiner asserted that the actuator means is recited as two separate elements in the invention. Claims 1 and 15 have amended to eliminate this ground of rejection. The Examiner also indicated that the preamble of Claim 15 indicated it was a method claim and no method steps were set forth. Claim 15 has been amended to eliminate that ground of rejection.

The Examiner rejected Claims 1-3 and 15 as being obvious in view of U.S. Patent 4,664,402 to Kober et al. in view of U.S. Patent 3,454,285 to Van Peursem. Specifically, the Examiner states:

Kober shows a trailer frame including connecting means (non-parallel links 3, 4), between frame 28, 36 and wheel frame 2, 10. The non-parallel links allow the wheel frame to move angularly and laterally relative to the frame when the pivots relative to the trailer about coupling 13.

Kober lacks an actuator for controlling the relative turning of the frame. Van Peursem shows a trailer with links 34, 36, between frame 21 and wheel frame 10 and an actuator 80 for controlling movement of the frame relative to the wheel frame.

It would have been obvious to one of ordinary skill in the art to provide the Kober trailer with an actuator for controlling movement of the links 3, 4, in order to control tracking of the wheel frame.

Applicant respectfully traverses this rejection, as no *prima facie* case for obviousness has been made out, for at least the following reasons.

Kober et al. '402 does not disclose or suggest a trailer having “a frame configured for carrying a load [with] a front end for connecting to said towing vehicle and a rear end; a separate wheel frame connected to said rear end of said frame by at least one connecting link that allow a relative turning of said frame in relation to said wheel frame” The Examiner asserts that components 28, 36 of Kober et al '402 constitute or correspond to the “frame”, but component 28 is a cross member in coupling housing 33 (col. 4, lines 62-68; Fig. 4) and component 36 is a cup-shaped part of coupling housing 33 (col. 5, lines 25-27; Fig. 4). Neither component is “configured for carrying a load,” such as e.g. “a large liquid tank” used in connection with a “field sprayer” (spec. at p. 6, lines 4-11). Hence, even assuming arguendo that one skilled in the art would consider modifying the Kober et al '402 apparatus to include the piston/cylinder actuator of Van Peursem '258 (which Applicant disputes, for reasons set forth below), the modified apparatus does not include structure corresponding to each and every limitation of the claims. A proper obviousness rejection must address every claim limitation. See M.P.E.P. § 2143.03. Thus, no *prima facie* obviousness of claims 1-3 and 15 has been established.

Moreover, contrary to the Examiner’s assertion, one skilled in the art would not be motivated to combine Kober et al. '402 with Van Peursen '258 as the Examiner suggests. Kober et al. '402 discloses a coupling link between a towing vehicle and a trailer that utilizes a four bar linkage in which opposing link arms 3, 4 are non-parallel (as acknowledged by the Examiner) due to the distance between points 7,8 on the trailer being greater than the distance

between points 5,6 on cross piece 28. See col. 2, lines 20-32, Figs 4 and 5. An alleged advantage of the particular linkage arrangement shown in Kober et al. '402 is that an "extreme" degree of steering of e.g. 90° can be obtained. See col. 1, lines 48-53. However, not only does Kober et al '402 not disclose an actuator for controlling the position of the connecting linkage (as acknowledged by the Examiner), nor does Kober et al. '402 disclose any means for controlling linkage position or identify a problem/need to control linkage position such as for providing "tracking" of the trailer wheels in the tracks of the towing vehicle during a turn.

Van Peursen '285 discloses an offset actuated hitch to provide a controlled offset (lateral positioning) of a trailer relative to the direction of motion of the towing vehicle. Important characteristics of the hitch disclosed in Van Peursen '285 are a "parallelogram arm system" (i.e. a four bar linkage with opposing links always parallel) and a hydraulic piston/cylinder unit to "predetermine" the lateral offset of the trailer during operation, such as cultivating/planting on a hillside, where there would be a tendency for the trailer to drift downhill relative to the direction of motion of the towing vehicle. See col. 1, lines 27-48 ("objects") and col. 3, lines 47-58 (hillside operation). Nowhere in Van Peursen '258 is there a teaching or suggestion that the offset hitch is suitable for controlling the path of the trailer during turns to provide tracking, requiring simultaneous lateral and angular controlled displacement of a trailer wheel frame relative to the load-carrying frame, or that the piston/cylinder unit

could advantageously be used with other than the disclosed parallelogram-type linkage.

Given the totality of the disclosures of Kober et al. '402 and Van Peursen '258, Applicant respectfully submits that one skilled in the art would not be motivated to combine the references as the Examiner has done by selecting only a single component (the piston/cylinder actuator) from the Van Peursen '258 offset hitch for modifying the Kober et al. '402 coupling link. Therefore, no *prima facie* case of obviousness has been established for claim 1-3 and 15 as for this additional reason. To establish a *prima facie* case of obviousness of a claim, the Office Action must provide a clear explanation with rational underpinnings that demonstrate why a person of ordinary skill in the art would have found the claimed subject matter obvious. M.P.E.P. § 2142. Importantly, the Examiner must not succumb to hindsight and use Applicant's disclosure "as a guide through the maze of prior art references in the right way so as to achieve the results of [Applicants' claimed invention]." Grain Processing Corp. v. American Maize-Products, 840 F.2d 902 (Fed. Cir. 1988), citing Orthopedic Equipment Co. v. United States, 702 F.2d 1005, 1012 (Fed. Cir. 1983).

In view of the foregoing amendments and remarks, Applicant respectfully requests entry of the proposed amendments, reconsideration of this application, and the timely allowance of all the pending claims.

The Office Action contains characterizations of the claims and related art with which Applicant does not necessarily agree. Unless expressly noted

otherwise, Applicant declines to subscribe to any statement or characterization of the Office Action.

Applicant has included funds (\$550.00) to cover the addition of eleven (11) new claims.

Please grant any extensions of time required, and not separately requested, to enter this response.

Please charge any additional required fees to our Deposit Account No. 06-0916.

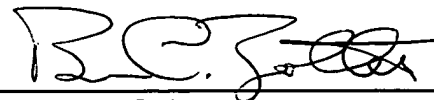
If the Examiner believes a telephone conversation might advance prosecution, the Examiner is invited to call Applicant's undersigned agent at 202-408-4094.

Respectfully submitted,

FINNEGAN, HENDERSON,
FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 16, 2008

By: _____



Bruce C. Zotter
Reg. No. 27,680